



## State of New Jersey

DEPARTMENT OF EDUCATION

PO Box 500

TRENTON, NJ 08625-0500

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

KIMBERLEY HARRINGTON  
*Commissioner*

August 29, 2017

TO: Chief School Administrators  
Charter School and Renaissance School Project Leads

ROUTE TO: Principals, School Nurses, All Staff Involved in the Student Enrollment Process

FROM: Peggy McDonald, Acting Assistant Commissioner  
Division of Learning Supports and Specialized Services

SUBJECT: Reminder: Enrollment Considerations for Immigrant Students

The New Jersey Department of Education (NJDOE) is providing this annual guidance on federal and state policies regarding the enrollment of immigrant students. This is done to ensure the policies and procedures of New Jersey's school districts are consistent with guidance from the U.S. Department of Education and the U.S. Department of Justice on the requirement to provide "all children with equal access to public education at the elementary and secondary level." ([U.S. Departments of Justice and Education, 2015, p. 1](#))

School districts are prohibited from implementing discriminatory enrollment practices, intentionally or unintentionally, that may exclude children from enrolling in public school based upon their immigration status pursuant to state regulations (*N.J.A.C. 6A:22-3.3*). Additionally, *N.J.A.C. 6A:22-3.4* prohibits school districts from conditioning enrollment contingent upon the receipt of information or documents either protected from disclosure by law or pertaining to criteria that are not a legitimate basis for determining eligibility to attend school. Such prohibited documents include, but are not limited to: income tax returns, documentation or information relating to citizenship or immigration status, and Social Security cards. When enrolling students, a school district may request verification of residency, such as copies of utility bills or lease agreements; however, the district cannot deny enrollment based on a failure to provide a particular form or subset of documents. Further, when requesting documentation of a student's age, school districts may not prohibit enrollment if the parent/guardian is unable to present a birth certificate or presents a foreign birth certificate.

*N.J.A.C. 6A:22-3.3* also prohibits the barring of any student from public elementary and secondary schools on the basis of immigration/visa status, except for students on F-1 visas. School districts are required to enroll all students over 5 and under 20 years of age who are domiciled in the district or who are otherwise entitled to attend school, pursuant to *N.J.S.A. 18A:38-1, et seq.*, and the implementing regulations, *N.J.A.C. 6A:22-3.1, et seq.*

Further, in *Plyler v. Doe*, 457 US 202 (1982), the U.S. Supreme Court held that undocumented children living in the United States could not be excluded from public elementary and secondary schools based upon their immigration status. Accordingly, school districts are prohibited from requiring students to disclose or document their immigration status, making inquiries of students or parents that may expose their undocumented status, or engaging in any practices that hinder the right of access to public schools.

### **Unaccompanied Immigrant Children**

As with any immigrant student, school districts may not deny immediate enrollment to unaccompanied minors immigrating to the United States. Some unaccompanied minors may be eligible for services under the federal McKinney-Vento Homeless Education Program and/or the federal Migrant Education Program. During the enrollment process, school districts should ascertain the relevant information to determine children's eligibility for participation in these programs.

School districts are required to annually review the immunization records of all students, pursuant to *N.J.A.C. 6A:16-2.2(a)*, and it is the responsibility of the certified school nurse (CSN) to review all immunization records under *N.J.A.C. 6A:16-2.3(b)3v*. Additionally, students entering a New Jersey school for the first time are required to have an entry medical exam, screenings of vision, hearing, blood pressure, height, weight, and, if age 10 to 18, a scoliosis screening according to *N.J.A.C. 6A:16-2.2(l)4*. Also, in accordance with *N.J.A.C. 6A:16-2.2(g)*, the entry medical examination must include a review of the immunizations pursuant to *N.J.A.C. 8:57-4.1* through 4.24 and the medical history, including allergies, past serious illnesses, injuries, operations, medications and current health problems.

When children enter the United States unaccompanied by a parent or guardian, they are placed in a short-term shelter operated by the Administration for Children and Families Office of Refugee Resettlement (ORR) in the U.S. Department of Health and Human Services (HHS). All children who come into ORR care and custody are medically screened, vaccinated and screened for behavioral health issues. Children with illnesses are treated before being released to a sponsor. When a child is released to a sponsor, the sponsor is given a copy of the child's medical and immunization record. Therefore, the sponsor should be able to present a record that satisfies the requirements described above. If the sponsor does not have a written immunization record at the time of enrollment, the CSN should direct the sponsor to submit a written request for this information to the HHS. Written requests for a copy of a child's immunization record can be emailed to [Requests.DUCS@acf.hhs.gov](mailto:Requests.DUCS@acf.hhs.gov). The sponsor may be required to fill out an authorization to receive this information. If the information in the record provided by ORR does not include the information required in the entry medical examination (above), the school physician must provide the entry medical examination for students who do not have a medical home. ORR is providing vaccinations to all children who do not have documentation of previous valid doses of vaccine.

School districts must admit any student upon registration and submission of proof that the child has received the necessary immunizations.

School districts must not delay or deny attendance based on their non-receipt of the following:

- A certified copy of the child's birth certificate or other proof of identity. This is required within 30 days of initial enrollment (*N.J.A.C. 6A:22-4.1(g)*; *N.J.S.A. 18A:36-25.1*);
- Medical information, although attendance at school may be deferred while awaiting immunization records (*N.J.A.C. 6A:22-4.1(h)*); or
- The child's prior educational record pursuant to *N.J.A.C. 6A:22-4.1(i)*.

To assist school districts with serving unaccompanied minors, the NJDOE provides resources regarding [Unaccompanied Immigrant Children](#) on its website. These resources inform districts on ways to support these students; explain how students interact with the immigration system; and address concerns districts may have about children's medical/immunization records, eligibility for participation in federal grant programs, and appropriate instructional strategies.

Online resources include:

- [United States Department of Education Fact Sheet](#)
- [NJDOE's Bureau of Bilingual/ESL Education webpage](#) (Resources specifically for unaccompanied minors can be found under the heading "Information on Specific ESL Populations")
- [United States Department of Health and Human Services \(HHS\) guidance](#)
- [Minimal Immunization Requirements for School Attendance in New Jersey](#)
- [Required medical examinations and health screenings in New Jersey schools: \*N.J.A.C. 6A:16-2.2\* \(f through l\)](#)
- Centers for Disease Control and Prevention Office of Refugee Resettlement, 2012 [Revised Medical Screening Guidelines for Newly Arriving Refugees](#), and related attachments

**Please distribute this memorandum to principals, school nurses and physicians, and all staff involved in the student enrollment process.**

For further information on the enrollment of immigrant students, contact your [Executive County Superintendent of Schools](#) or the Office of Supplemental Educational Programs at (609) 292-8777 or [ell@doe.state.nj.us](mailto:ell@doe.state.nj.us). For clarification on school health requirements, contact the Office of Student Support Services at (609) 633-1752.

c: Members, State Board of Education  
Kimberley Harrington, Commissioner  
Senior Staff  
Diane Shoener  
Karen Campbell  
Nancy Curry

Executive County Superintendents  
Executive County Business Officials  
Executive Directors of Regional Achievement Centers  
Statewide Parent Advocacy Network  
Garden State Coalition of Schools  
NJ LEE Group